

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PRASEUTH VILAYPHONH,)
Petitioner,) No. C05-337-TSZ
v.)
JAMES SPAULDING,) ORDER DENYING
Respondent.) HABEAS CORPUS
PETITION

The Court, having reviewed the Petition for Writ of Habeas Corpus, Respondent's Answer, Petitioner's Reply, the Report and Recommendation of the Honorable Monica J. Benton, United States Magistrate Judge, and the remaining record, finds and Orders as follows:

- (1) The Court adopts the Report and Recommendation;
- (2) Petitioner's Petition for Writ of Habeas Corpus (Dkt. #10) is DENIED; and this matter is DISMISSED with prejudice;
- (3) The Clerk is directed to send copies of this Order to counsel for each party and to the Honorable Monica J. Benton.

DATED this 26th day of April, 2006.

Thomas S Zilly
Thomas S. Zilly
United States District Judge